

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Case No. 7:14-CV-00157-D**

CTB, INC.,)	
)	
Plaintiff,)	
)	MOTION FOR LEAVE TO FILE
v.)	REPLY TO DEFENDANT'S
)	OPPOSITION TO MOTION TO
)	QUASH SUBPOENA TO
HOG SLAT, INC.,)	PLAINTIFF'S TRIAL COUNSEL
)	
Defendant.)	

Pursuant to Rule 45 of the Federal Rules of Civil Procedure and Local Rule 7.1, Plaintiff CTB, Inc. ("CTB"), by counsel, respectfully moves the Court for an Order granting CTB leave to file a Reply to Defendant's Opposition To Motion To Quash Subpoena To Plaintiff's Trial Counsel, for the subpoena issued by Defendant HOG SLAT, INC. to David J. Marr, Esq. In support of its Motion, states as follows:

1. On November 12, 2015, CTB filed its Motion to Quash Subpoena to Plaintiff's Trial Counsel ("Motion to Quash"), together with a supporting Memorandum of Law. (Dkt.#41 and #42.)
2. On November 23, 2015, Defendant filed its Memorandum of Law in Opposition to CTB's Motion to Quash Subpoena ("Response"). (Dkt.#53.)
3. Defendant's Response makes several misstatements of fact regarding the trademark prosecution process and what was required of CTB by the Trademark Examiner in the "Request for Further Information" as part of the Office Action.
4. To ensure proper consideration of the facts underlying the Motion to Quash, CTB has prepared a brief Proposed Reply (attached as an Exhibit hereto) to detail the misstatements of

fact in Defendant's Response. To correct the record, the Proposed Reply provides this Court with the salient portions of the Trademark Examiner's Request for Further Information, along with the relevant information provided by CTB in response thereto.

5. Because of the potential confusion caused by the misstatements in Defendant's Response and the particular trade dress prosecution histories at issue here, CTB requests oral argument, at least via telephonic hearing, for consideration of the Motion to Quash.

6. On November 20, 2015, Defendant filed a Motion for Leave to File Reply to Plaintiff CTB's Opposition to the Motion for Spoliation Sanctions and for Oral Argument ("Defendant's Motion for Leave"). (Dkt.#52.) As part of Defendant's Motion for Leave, Defendant requested oral argument, at least via telephonic hearing, for consideration of its Motion for Sanctions (Dkt.#31) and its Emergency Motion to Compel Documents and Information from CTB, Inc. and to Extend the Discovery Period (Dkt.#34). CTB concurs with Defendant that oral argument could be helpful to this Court for hearing Defendant's two motions, as well as for CTB's Motion to Quash. A single oral argument for all three motions could effectively address all of the pending issues.

WHEREFORE, CTB respectfully requests that this Court grant this Motion and enter an Order (1) granting CTB leave to file the brief Proposed Reply attached as an Exhibit hereto; (2) enter and consider the Proposed Reply attached hereto; (3) grant CTB's request for oral argument on the instant Motion to Quash; and (4) enter any further relief this Court deems just and proper.

Dated this 25th day of November, 2015.

Respectfully submitted,

CLARK HILL PLC

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CERTIFICATE OF SERVICE

I certify that, on November 25, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will serve the following counsel of record for Hog Slat, Incorporated in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court:

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Dated: November 25, 2015.

/s/Jennifer Woods
